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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,478	08/26/2003	Jacky Lin	4443-0108P	2323
2292	7590	02/09/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CONNOLLY, MARK A	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/647,478	Applicant(s) LIN ET AL.	
	Examiner Mark Connolly	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11 April 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 have been presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In particular, it appears that after entering a BIOS configuration, the system is activated to play a compact disc [CD] without loading an operating system (i.e. booting incompletely) [see abstract]. Then, the system must *reboot* to play a CD. Because a “playing function” of an optical disc drive is “activated” to allow playing a CD after entering a BIOS configuration, it is unclear as to why the system must then reboot

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs et al [Jacobs] US Pat No 6006285.

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6. Referring to claim 1, Jacobs teaches the method for booting a computer to play a CD without loading an operating system comprising:

- a. ascertaining whether said booting is triggered by a first booting button or a second booting button [abstract and col. 2 lines 6-20].
- b. initializing a part of devices in the computer when said booting action is triggered by said second booting button, wherein said part of devices comprise an audio chip, optical disc drive and a keyboard [abstract, col. 2 lines 6-20 and col. 3 lines 53-58]. It is inherent that audio chip 34 would be initialized so that the user could listen to the compact disc in the CD-ROM.
- c. operating said optical disc drive in response to the pressing of said predetermined keys located on said keyboard to play said compact disc [fig. 2, col. 2 lines 21-23 and col. 5 line 66-col. 6 line 2].

7. Referring to claim 2, Jacobs teaches:

- d. identifying and initializing said optical disc drive and keyboard [col. 1 line 56-col. 2 line 20].
- e. IDE instructions for driving and controlling said optical disc drive to read data of said CD [col. 3 lines 39-47].
- f. driving and controlling an audio chip to receive and decode the data from the CD.

As can be seen in fig. 1, audio chip 34 is connected directly to the ISA bus. It is well known that multi-bit data is transmitted over an ISA bus. Because the audio chip outputs analog signals to a set of speakers, it is inherent that the audio chip must decode the multi-bit data in order to produce the analog signal being supplied to the speakers.

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g. receiving and recognizing signals triggered by predetermined keys located on said keyboard to control said optical disc drive and audio chip [col. 2 lines 21-23, col. 5 line 66-col. 6 line 2 and col. 6 lines 9-11].

8. Referring to claim 5, Jacobs teaches that the alternate BIOS initializes only those hardware devices required for audio playback [col. 5 lines 47-55]. Because the audio chip is required to provide analog signals to the speakers of the system as described above, it should be evident that the BIOS would initialize the audio chip.

9. Referring to claim 6, Jacobs teaches that code for processing CD button selections (i.e. buttons for controlling the optical disc drive) are loaded from an alternate BIOS ROM [col. 4 lines 64-67]. Because the optical disc drive is an IDE device, it should be clear that the controlling would be performed through IDE instructions.

10. Referring to claim 7, this is rejected on the same basis as set forth hereinabove.

11. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Koo US Pat No 6006337.

12. Referring to claim 1, Koo teaches the method for booting a computer to play a CD without loading an operating system comprising:

h. ascertaining whether said booting is triggered by a first booting button or a second booting button [fig. 2, col. 5 lines 22-26 and 37-41].

i. initializing a part of devices in the computer when said booting action is triggered by said second booting button, wherein said part of devices comprise an audio chip, optical disc drive and a keyboard [col. 5 lines 27-36 and col. 6 lines 41-61].

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j. operating said optical disc drive in response to the pressing of said predetermined keys located on said keyboard to play said compact disc [col. 5 lines 48-53].

13. Referring to claim 3, Koo teaches that a booting button can be located on the keyboard [col. 6 lines 23-30].

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs.

16. Referring to claim 4, Jacobs teaches booting the operating system when pressing a first button [col. 1 lines 56-67]. Further more it is well known in the art that when an operating system is running, programs can be executed which can interface with an optical disc drive in order to play audio CDs. Within these programs, there is a well known technique for simplifying the user interface which includes redefining keys located on a keyboard to control the optical disc drive and usually referred to as "hot keys" or "shortcut keys." For example, the play/pause command might be represented by "P" or "Ctrl-P" on the keyboard. It would have been obvious to include the above programs and shortcut keys into the Jacobs system because it would provide a user friendly means to play audio CDs while the computer is operating in a PC mode.

Allowable Subject Matter

17. Claims 8-12 are allowed.

Conclusion

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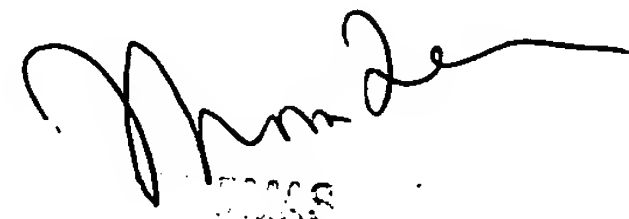
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly
Examiner
Art Unit 2115

mc
February 2, 2006



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